

SYN. NO. \_\_\_\_\_

AGN. NO. \_\_\_\_\_

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

August 26, 2003

A recent change in State law requires that the County revise its procedures to accommodate the construction of second units on properties zoned for single-family dwellings. For several months County staff has worked with interested parties to develop an ordinance that both meets the requirements of State laws and addresses legitimate concerns about over-densification. Both the Regional Planning Commission and the Board of Supervisors recently conducted public hearings concerning the proposed ordinance. There has been substantial public input at these public hearings and in numerous telephone calls, letters, and e-mails transmitted both to Regional Planning and to the Board offices.

Prior to January 1, 2003, when the new law took effect, individuals who wanted a second unit would file for a conditional use permit (CUP). While the proposed second unit ordinance creates circumstances wherein a second unit could be permitted "by right," in compliance with State law, it precludes other applications. For example, properties that are located in a Very High Fire Hazard Severity Zone, are not served by a public water system, or are not served by a public sewer system, individuals could not secure approval for a second unit under any circumstances. An outright ban on second units in these locations is both illogical and unfairly punitive. As long as staff thoroughly reviews an application, a reasonable set of findings can be made, and the public receives adequate public notice, locating a second unit on such properties may be appropriate in certain circumstances.

Based upon public input, there are other provisions of the second unit ordinance that require additional modifications. In a memorandum from the Department of Regional Planning (August 14, 2003), staff makes several recommended revisions to the previous ordinance forwarded to the Board of Supervisors. The changes clarify certain procedures, address conformity with other sections of the Code, and create a distinction between second units in rural areas and urban areas. Finally, the second unit ordinance should address consistency of its provisions with established community standards district and clarify that the new ordinance will also apply in the RPD Zone.

**I, THEREFORE, MOVE** that the Board of Supervisors close the public hearing.

**I, FURTHER MOVE**, that the Board of Supervisors instruct County Counsel to prepare a revised ordinance that reflects the following revisions:

- Allows second units under conditional use permit procedures in certain circumstances (properties that are located in a Very High Fire Hazard Severity Zone, are not served by a public water system, or are not served by a public sewer system);
- Incorporates the revisions addressed in the memorandum of August 14, 2003, from the Department of Regional Planning;
- Clarifies how the provisions of the second unit ordinance apply in established community standards district; and
- Declares that the new ordinance will also apply in the RPD Zone.

**I, FURTHER MOVE,** that the Department of Regional Planning and the County Counsel's Office bring back the final ordinance for adoption by the Board of Supervisors as soon as possible.

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